

1 JOHN D. PERNICK (SBN 155468)  
jpernick@be-law.com  
2 BERGESON, LLP  
111 North Market Street, Suite 600  
3 San Jose, CA 95113  
Telephone: (408) 291-6200  
4 Facsimile: (408) 297-6000

5 Attorneys for Defendant  
6 GRAPH FOUNDATION, INC.

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 NEO4J, INC., a Delaware corporation

12 Plaintiff,

13 vs.

14 GRAPH FOUNDATION, INC., an Ohio  
15 corporation,

16 Defendant.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Case No. 3:19-CV-6226-JSC

**STIPULATION TO SET ASIDE DEFAULT  
AND [PROPOSED] ORDER [FRCP 55(c)]**

28 STIPULATION TO SET ASIDE DEFAULT AND [PROPOSED] ORDER

Case No.: 3:19-CV-6226-JSC

1 Plaintiff Neo4J, Inc. ("Plaintiff"), by and through its attorneys of record, and Defendant  
2 Graph Foundation, Inc. ("Defendant"), by and through its attorney, John D. Pernick, Esq.,  
3 (Plaintiff and Defendant, collectively, the "Parties"), HEREBY STIPULATE AS FOLLOWS:

4 WHEREAS, the Court Clerk entered a default in this matter on November 18, 2019.

5 WHEREAS, the Parties wish to cooperate in setting aside the default and to proceed with  
6 this action.

7 IT IS HEREBY STIPULATED THAT:

8 1. The Parties respectfully request that the Court set aside the Default entered by the  
9 Clerk in this matter;

10 2. Defendant is not and shall not contest service of summons;

11 3. Defendant will stipulate that the above-entitled action be related pursuant to Civ.  
12 L.R. 3-12 to a case previously filed in this Court, *Neo4j, Inc, Neo4j Sweden AB v. PureThink LLC*  
13 *et al.* Case No. 5:18-cv-07182-EJD;

14 4. Defendant shall be permitted to file an Answer and Counterclaim, in Defendant's  
15 discretion, in response to the Complaint in this action, but Defendant shall not file any motions as  
16 its response to the Complaint;

17 5. Defendant shall file its answer to the Complaint and any counterclaim within  
18 fourteen (14) days of the Court's entry of its Order setting aside the Default.

19 Dated: November 22, 2019

BERGESON, LLP

20  
21 By: /s/ John D. Pernick  
John D. Pernick  
22 Attorneys for Defendant  
GRAPH FOUNDATION, INC.

23 Dated: November 22, 2019

HOPKINS & CARLEY

24  
25 By: /s/ Jeffrey M. Ratinoff  
John V. Picone III  
26 Jeffrey M. Ratinoff  
Attorneys for Plaintiff  
27 NEO4J, INC.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2  
3 DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge